PRESIDENTIAL PROTECTION COMMISSION ACT OF 1981

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

FIRST SESSION

ON

S. 1417

TO ESTABLISH A PRESIDENTIAL PROTECTION COMMISSION TO ADVISE THE PRESIDENT AND THE CONGRESS ON REDUCING THE RISK OF ASSASSINATION AT PUBLIC APPEARANCES AND OTHERWISE TO INCREASE EFFORTS TO PREVENT CRIMINAL ASSAULTS AGAINST THE PRESIDENT AND TO RECOMMEND AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE AND OTHER PROVISIONS OF FEDERAL LAW RELATING TO SAFEGUARDING THE PRESIDENT

SEPTEMBER 22, 1981

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PRESIDENTIAL PROTECTION COMMISSION ACT OF 1981

TUESDAY, SEPTEMBER 22, 1981

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, D.C.

The committee met at 10:05 a.m., in room 3302, Dirksen Senate Office Building, Hon. William V. Roth, Jr. (chairman of the committee) presiding.

Present: Senators Roth and Chiles.

OPENING STATEMENT OF SENATOR ROTH

Chairman ROTH. The committee will be in order.

Today we are holding hearings on the need of a Presidential Protection Commission. The security of the President, Vice President, amd their families is a matter of great concern for the American people. The recent attempted assassination of President Reagan and the wounding of my good friend, Jim Brady and two Secret Service men was a traumatic experience for our Nation.

I think the American people want to insure we do the best job we can in providing whatever protection is necessary.

I think we all understand that in a free society there cannot be 100 percent security for any individual. The record of assassinations and attempted assassinations demonstrate need for greater vigilance.

It seems to me that what the American people are asking today is, with respect to the recent tragic event, how could this happen and what can be done to prevent it from happening again? As I said, the record is a serious one. There have been something like 10 of the 40 people who have served in our Nation's highest elected office have suffered assaults on their lives.

Eight of these people held the Presidency at the time of their attack. Of course, the Nation endured the tragedy and loss of four assassinated Presidents.

As I was saying, the attack on President Reagan again rekindled many questions that were raised after earlier assaults. Should the President confine public appearances to secure locations? Is this a desirable practice in a democracy? Does the Secret Service have or use adequate manpower in protecting the President? Can the intelligence-gathering capabilities of the Service be enhanced?

Is there adequate liaison between the Secret Service, FBI, and other concerned agencies? More recently, are there too many people designated by law for Secret Service coverage? It has been stated by some officials that there are too many protectees and

that this has been a deterrent to the manpower and other resources of the Secret Service.

The question has been asked, is it desirable to continue indefinitely protection to former Presidents and spouses or could there be some phasing out of this service providing at least only full protection when there is a need?

Questions have been asked as to the adequacy of present laws for providing service to candidates for the Presidency and Vice Presidency. But the key question before us today is whether or not a Commission on Presidential Protection, like that which would be created under S. 1417, can provide us with better answers than we have had in the past.

Perhaps the competing needs for Presidential safety and the President's interaction with the general public is best stated in a 1969 report by the National Commission on the Causes and Preventions of Violence where it said,

> There can be no perfect system of guarding the President short of isolating him, confining him to the White House and limiting his communications with the American public through broadcast and other media.
>
> This extreme solution is neither practical nor desirable. For political reasons and for the sake of the ceremonial traditions of the office, the American people expect the President to get out and mingle with the people.

At this time, I am particularly pleased to welcome my colleague, the junior Senator from Pennsylvania, who has a distinguished career. He served with the Warren Commission, I believe, as special counsel for that Commission after the tragedy of the Kennedy assassination.

Senator Specter has introduced the bill which we are holding hearings on today, which has been cosponsored by Mr. Thurmond, Mr. Laxalt, and my colleague from Delaware, Mr. Biden.

The commission concept has received words of praise from former President Gerry Ford and our majority leader Howard Baker. At this time, I am happy to welcome you to testify on behalf of your bill.

TESTIMONY OF HON. ARLEN SPECTER, U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SPECTER. Thank you very much, Mr. Chairman. I want to first thank you for convening this hearing, knowing the great, heavy burden on this committee and on you personally. I am appreciative for your scheduling this session.

In recent times, I have had more experience on your side of the bench than on this side, but in the past, I have had occasion to testify, and I am pleased to be in this role today.

When the effort was made to assassinate President Reagan on March 30, I waited to see what the response of the Congress would be in terms of looking into some of the questions on Presidential protection which have plagued this country for generations and very acutely since the assassination of President Kennedy.

When I observed that very little was in the offing by way of strengthening Presidential protection, it seemed to me that I might lend assistance based on the experience I had as assistant counsel to the Warren Commission and some of the other security work which I have done in my capacity as district attorney of Philadelphia.

I frankly felt as a beginning Senator I should defer on this issue to others if others were going to pick up the pace and move into it. But when that did not happen because of the very busy schedules that every Senator and Congressman has, I thought I might be useful here. I then proceeded to talk to the majority leader, Howard Baker, on the subject, and he encouraged me to prepare a brief memo and then to expand it, and that led to the proposal for legislation.

I took the matter to Senator Thurmond, chairman of the Judiciary Committee, thinking it might be a matter for the Judiciary. Later I learned that the matter would come to this committee. I took the matter to Chairman Rodino, chairman of the House Judiciary Committee, to seek his insights and also to Mr. Michel and on the other side of the aisle, in the House, to the House leadership and Minority Leader Robert Byrd and Senator Biden, ranking Democrat on the Judiciary Committee, to get as much input as I could and try to lay the foundation for a successful passage of this act as opposed to simply making a splash with the introduction of some legislation which would not have the kind of careful spadework which would be realistic and calculated to lead to success.

Those events have brought us to today's hearing.

I think that there is a tendency to forget the importance of Presidential protection, notwithstanding the fact that it is always in the back of all of our minds. You, Mr. Chairman, have recounted the importance of Presidential protection. The events of November 22, 1963, are such that I think they leave in everyone's memory a unique imprint. People can tell you where they were at the moment they heard that President Kennedy had been assassinated, and that has monumental overtones.

When a President is spared, as, fortunately, President Reagan was on March 30, the event is important but it tends to recede from our minds, just as the assassination attempts of President Ford receded from our minds. There is not a frenzy of activity of high prominence that persisted at that particular time.

I think it requires some effort to revive it as a matter of first priority and front-burner attention.

The assassin has the unique position of holding a veto power over the electorate. The event of an assassination raises more questions on the stability of our Government and our relations with other governments than any other single event, and I know that personally because of my association with the Warren Commission.

There is scarcely a week that goes by that I do not have questions even now about the conspiracy issue on the assassination of President Kennedy. As recently as last week in the Senate gymnasium, two of our colleagues were questioning me about that issue, about Castro's potential involvement. There was great concern that the Russians might have been involved immediately after the assassination of President Kennedy, and President Johnson asked Chief Justice Warren to take on the role because of his great concern that there be world confidence in the conclusion since Earl Warren was recognized around the world, perhaps much more so than he was in the United States.

He was a man of integrity whose word would be accepted. Even today there is grave concern about potential CIA involvement in the assassination of President Kennedy, a question which recurs again and again and again. When a President is assassinated, it is hard for people to believe that it can be the product of one deranged mind, that there must be greater implications because it is such an important office.

As a single event, I believe there is nothing which so undermines our public confidence in the institutions of our Government as does an assassination. It is a burning issue which is alive today almost with the same intensity on President Kennedy as it was immediately after the event.

So I believe we really have to take very, very hard looks at the questions which are posed here.

This legislation has been drawn with the expert assistance of Paul Michel, who has had a unique experience, 8 years as one of my top deputies in the district attorney's office, and when I lost the office, I lost Paul Michel and he has had a distinguished career in the Justice Department and on the Hill. He has labored with my supervision in the preparation of my statement which I know will be part of the record, and sets forth in some detail my views on the subject, and I would summarize them only briefly.

The pressures on the issue of Presidential accessibility are summarized at page 1. In terms of public expectation and access to the President, which has to be realized, it is a valid expectation; demands of the media, again, are a valid area of demand. The political advisers and the advance men on the President's staff whose primary goal is to fulfill the expectations, and that is an understandable matter as well.

There is that tension, so to speak, between the protectors of the President and those who are concerned about the legitimate political functions which enabled John Hinckley to come within 15 feet of President Reagan on March 30 and have access to the President which resulted in his wounding, fortunately not in his assassination.

Following the assassination efforts on President Ford, there was a standard advance of 50 feet so that people could not be within closer range to use a handgun. The events of March 30 raise the question: Why was the 50-foot rule not observed?

The questions which come to mind as a result of the March 30 incident are summarized on pages 2 and 3 of my prepared testimony: "Why was the President pausing to respond to press questions on the sidewalk rather than quickly entering his limousine?"

Second, "Why were the press permitted to congregate along the line of departure?" And third, "If the press corps needed to be as close as 15 feet, why was that area not closed to persons who were not accredited members of the press?"

The Treasury Department prepared a report to their credit and I have only compliments for the Secret Service and for the Treasury Department, an agency I have had close contact with in over 30 years of my professional life and very close contact indeed when I was Assistant Counsel to the Warren Commission, and they have investigated their own procedures and published a report.

I think that their report states, as it must, the monumental problems which they face, and I think that in the interest of discretion and diplomacy, their report perhaps does not go as far as it might or certainly as far as they go in their own private conversations in realizing the problems they face on so many, many levels—problems of getting information from other Government agencies, problems of adequacy of personnel, problems of adequacy of funding.

These are polite statements which finally reach the light of day in printed form and realizing the refinement which comes to life for public scrutiny, it is a fair inference that this portion of the iceberg which is visible in their conclusions, there necessarily must be much more which is troubling them, as it should be. I do not disagree with their judgment on keeping it confidential within their own ranks, but the report explains that "procedures do not include such matters as how far from the President the crowd should be kept," a major problem and one which exists because the Secret Service is not in command totally.

They have to defer to those who are around the President, his political people. There is a limitation, as the report says, "the level of manpower available to service," which realistically ought not be a consideration in terms of how many people ought to be with the President. That is one assignment where there ought to be the requisite number, however many that may be.

Their statement, "The need to reach a practical accommodation, there being no written agreements with the occasionally conflicting demands of White House advance staff for greater exposure of the President to the press and the public"

I think that was a model of diplomacy when they said "conflicting demand." They do a magnificent job under the limitations and pressures which they have, but I suggest that they have need for some help on the stature of the persons who can bring great weight to bear in helping them accommodate the needs of security as opposed to the needs of Presidential accessibility.

And in terms of the kinds of commission which this statute comprehends to have former Presidents and rankinq Members of the Congress, such as the majority leader, the Speaker's designee, the chairman of the Judiciary Committee's designee in the Senate, they know a lot also of Presidential protection. And I say at the outset, Mr. Chairman, that those suggestions are not carved in stone.

Perhaps the Speaker himself should be on the Commission, perhaps the chairman of the Judiciary Committee, albeit the President pro tempore should be on the Commission. That is a judgment call which I will be glad to defer on—but people of that sort who have great experience.

Presidents obviously know intimately the demands of availability, and they know the demands of security and perhaps from the vantage point of being ex-Presidents, they have a little more distance to bring better judgments to bear on these kinds of issues.

If men of this stature say to the Presidential advance men the 50-foot rule should be observed, that is a great deal more than can be achieved when the head of the Secret Service makes the same statement because as distinguished and expert as the head of the

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Secret Service is, he does not have the vantage point of former President Ford. He simply cannot have it.

I discussed this matter with President Ford by telephone. I know he would like to be here to present his own views, but his schedule precludes it. I have had a close relationship with President Ford over the years, following our work on the Commission together. He was on the Warren Commission. He and I traveled to Dallas together and had many conversations about Presidential protection over the years. Whenever we would meet, we would talk about the things the Commission has been subjected to. President Ford thinks it would be a good idea—he is not looking for an extra role, but he would be pleased to serve on this kind of body, and to be able to enlist President Ford's services is a rare achievement because he agrees to things only when he is convinced that they are of a very high priority because of the tremendous demands that there are on his time and his availability—or the availability of Senator Baker who is so very, very busy—would be a tremendous asset for any group, practically on any subject, but especially one where it involves the question of Presidential protection.

At the top of page 5 of my prepared statement, I quote from the Treasury Department report which I think contains very significant language:

> The political mission of the White House staff conflicts at times with the security mission of the Secret Service; security measures taken to protect the President are often determined by give-and-take between the two groups. Without some agreement between these two groups with regard to substantive security guidelines, the level of protection provided to the President will inevitably be inconsistent.

I think that statement says a great deal. It says a great deal when it identifies conflicts, when it identifies inconsistent protection, and I think it says a great deal more by what is suggested between the lines and necessarily differences of views between the political considerations and the security considerations.

The Warren Commission recommended, as I note at pages 9 and 10 of my prepared statement, that there be some supervision, so to speak; the Commission called for a Cabinet-level committee. My own judgment, with some 16 years of hindsight, is that it would be preferable to have people on this Commission who are independent of the President, except for the Secretary of the Treasury, who is provided for in this legislation.

He should be a part of it. He is responsible for the Secret Service and his presence on the Commission brings wisdom and, in addition, it brings a detailed concern for the inner-workings of the Secret Service and provides the necessary insights to stop the Commission from moving into an area which might pose some collateral problem the Commission would not know about themselves which the Secretary of the Treasury would be privy to.

If you have a Commission composed of Cabinet officers, they are all subject to the direction of the President. There is an issue whether it serves the President well to have people who are subject to his direct control.

If this Commission says to President Reagan or some succeeding President, you ought to take certain steps, it is easier for him to take those steps at the suggestion of others than it would be for him to curtail his own activities. I am not saying he couldn't on his own, but it would be perhaps easier. Obviously, the final judgment

is going to have to be the President's. Nobody is going to tell the President what to do on any of these subjects, but to have counseling of men of this calibre, I think, would inevitably be enormously beneficial.

Again, the persons who are listed here are not the final word. If there is a move to amend this measure to provide for Cabinet officers, it would not be my preference, but I am willing to make many modifications in the interest of having some group which oversees what is being done with Presidential protection. There are oversight functions existing at the present time. There is a Subcommittee of Finance which has an oversight function, and my understanding is that it has not been active. That is understood because of the tremendous burden on the Finance Committee. There is a Subcommittee on Appropriations which has some oversight functions and did hold one hearing. They are not in a position to conduct this kind of oversight. I would suggest they do not really have the kind of experience which enables them to take a fast look and make judgments such as could be provided by the kind of men whom I have suggested should be on this commission.

I have taken a short look at Mr. Knight's statement this morning and one or two comments might be in order.

The issues which he has raised about some statutory modifications relating to access to intelligence information under the Freedom of Information Act and the issue on zones of protection, I think, are valid considerations. I would suggest that those matters can go forward at the same time.

I would be pleased to support collateral lines of activities which would better protect the President.

In essence, Mr. Chairman, I do not seek through this legislation to tell the Secret Service what to do or how to do or to meddle in their affairs. I believe that they face a task which is bigger than they can really handle because of a conflict of those who have, perhaps, too much to say when the final decisions are made about Presidential accessibility.

This is only a 1-year Commission because we wanted to avoid the problem of permanency because we have too many commissions in this country. I am not saying it should be limited to 1 year, but I think it should have a written-in sunset. Then it can prove itself if it ought to be retained longer. I believe that with sensitive treatment and the kind of discretion and insight these men would bring to bear, any corps, any committee, any agency would be delighted to have this kind of advice from people who know as much about the operations and the ultimate objectives—with no selfish motives, only concern to protect.

Thank you.

Chairman ROTH. Thank you, Senator Specter.

I will be candid with you. I have not in my own mind decided whether I think such a committee is needed or not. But I do applaud your efforts in this area to shed some light on a very serious and very sensitive problem.

One question I have in my own mind with respect to the Commission itself is that I wonder if we may not have too many chiefs and not enough Indians.

I can appreciate the value of having former Presidents who presumably better than anyone else know the problems and, I would think, having them head it up would be very desirable. But I wonder, as we look down the list—and I wasn't quite clear why in the case of the Speaker we have a designee and in the case of the majority leader we had him serving—I wonder, rather than have so many important people who have perhaps some expertise, but limited, whether it wouldn't be better to choose people with more background in the particular problem. I am thinking particularly of the majority leader and chairman of the Judiciary Committee. I don't know. I just ask that as a question.

Senator SPECTER. Mr. Chairman, we could have more Indians. I am not wedded to these particular people. The thought was to have a small group and people who have extensive experience, like former Presidents. After I drafted the bill—I could not reach former President Carter before I drafted the bill. I tried to in the final stages and talked to him after I struck the balance of President Ford and President Carter, being the two most recent Presidents and on opposite sides of aisle. President Carter was not interested in serving because of other commitments which he has. It is not easy to find people to serve. He might be persuaded to change his mind, but I report that to you since it is responsive to your question in terms of one less chief, perhaps.

Chairman ROTH. Could I interrupt just 1 minute because I do have a copy of a letter here dated August 21 from former President Ford where he said that, "As a former member of the Warren Commission, I recommend the creation of a Commission to review the protection responsibilities of the Secret Service.

"Although I do not have a copy of Senator Specter's bill before me, I am familiar with the objective of his proposal and do concur." Without reading the whole letter, it goes on to say, "You can, however, indicate in a committee hearing my support for the establishment of a Commission." Without objection, the letter will be placed in the record.

[The letter referred to follows:]

AUGUST 21, 1981.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, D.C.

DEAR BILL: Have received your letter of August 17th inviting me to testify on September 22nd.

As a former member of the Warren Commission, I recommend the creation of a commission to review the protection responsibilities of the Secret Service. Although I do not have a copy of Senator Specter's bill before me, I am familiar with the objectives of his proposal and do concur.

Unfortunately, I will be in Great Britain, Sweden, Denmark and Finland from September 21 through October 1, 1981, which precludes me from testifying on September 22nd. You can, however, indicate at the committee hearing my support for the establishment of a commission.

Will you please send me a copy of Senator Specter's bill?

Warmest best wishes,

GERALD R. FORD.

Senator SPECTER. President Ford was very encouraging, very enthusiastic about it. That was in the context of him saying, "I am very, very busy on all sorts of things; what sort of time commitments would it take?"

I am gratified, in view of his busy schedule, that he is willing to spend time.

When we came to the issue of the Speaker of the House, the thought was that he ought to have a designee because he is in line for Presidential succession himself. There would be preference for his not being on it. That really is not cast in concrete.

As I say, Mr. Chairman, the same thing occurred with Senator Thurmond, who is in the line of Presidential succession. When we put the people on the Judiciary Committee on it, frankly, that was at a time when I thought this matter would be a matter for the Judiciary Committee, as opposed to Governmental Operations. I conferred with Senator Baker about it and you already alluded to his encouraging words. Senator Baker is not a sponsor of the bill because, as he told me, he makes it a practice not to cosponsor any bill. His words of encouragement appear in the Congressional Record. He spoke on the subject the day it was introduced. He has great experience, as you would expect of someone in that position, having been a Presidential candidate himself. So it was thought that these kinds of people would inspire the confidence of the Secret Service and the other Federal agencies, that there would be people of unique standing, unquestioned in integrity, unquestioned confidentiality, that matters would be discussed candidly and there would be great respect for their views and they would bring a world of experience. They would not have to study the subject, as others would have.

Chairman ROTH. Let me ask you this question: Why isn't this an appropriate oversight responsibility of the Judiciary Committee, or possibly the Finance Committee?

Senator SPECTER. Because, Mr. Chairman, the members of those committees are simply too busy with too many other duties and they do not bring, at the outset, the kind of experience that these people do to the issue. The questions are very complicated, they are very involved, and if somebody has not had the experience, it would take them a long time to get up to speed on the subject and members of those committees are simply rushing around from the crack of dawn until late into the night.

It was my thought that they simply do not have the time nor the expertise to devote to it, and the practice is they have not and understandably so.

Chairman ROTH. That I can understand.

On the other point, it goes back to my initial question. I am just not persuaded in my own mind that any of the people, including former Presidents, will spend, even though they are willing to share some of their time, that much time, so for that reason it would seem to me if we were going to structure it, we ought to have some people who have considerable expertise in these areas and who would be willing to spend a major amount of time.

Let me ask you—those were directed at the makeup, and as you said, there can be flexibility in that area. In a way, it is a somewhat unrelated question, although the Treasury, I understand, does have some concern about the cost of the Commission. I am not sure what you anticipate it costing. A concern of many people in Congress, which has been expressed earlier, is the general cost of providing protection to an increasing number of individuals. Here

we are concerned primarily with the President and the Vice President. But in recent years, we have extended, it is my understanding—I am not sure whether it is accurate or not. That was not until the days of President Johnson that we extended full coverage, as I understand it, to pass the Presidents for a lifetime. We extend coverage to wives of former Presidents. We extend some coverage for, I think, a very limited period to children of former Presidents.

I am not sure how long that is. We extend coverage to would-be Presidents and Vice Presidents. All these make tremendous demands on the Secret Service and in a way dilutes or would appear to dilute, as far as protection is concerned, their principal task of guarding the President. The assassination or death of any of those people are a tragedy just as the death of any American citizen at the hands of an assailant is a tragedy.

Would you see it appropriate for this Commission to review not only the protection of the President, but the desirability of continuing these practices? We also extend protection to members of the Cabinet. It is my understanding, I think the Secret Service has to provide coverage to chiefs of missions, to visiting dignitaries from abroad, which imposes great demands from time to time, although not all of them are of a continuing nature.

I tend to ask questions about the cost, the cost of providing this kind of protection to any individual is extraordinarily expensive. I think that this is something that needs to be examined. I think we all are interested in providing protection, reasonable protection to current public figures who may be threatened.

I think we will want to continue to provide reasonable protection to those who have served, but whether that should be full protection or phased out and based on some kind of a need, I don't know what the answer is, but it is extraordinarily expensive, not only in dollar costs, but in manpower hours and talents and the various facilities of the Secret Service and others.

Would you see it appropriate for this Commission to look at that kind of a question?

Senator SPECTER. Mr. Chairman, I would think it appropriate as it relates to the issue of adequacy of personnel for the President which is a question highlighted in the Treasury Department report. That function is the most critical function for the Secret Service, and if there is any suggestion, however slight, that the necessary personnel is being diverted for those other responsibilities, then I think this Commission should deal with that matter.

I think when you get into the broader aspects of cost, and how comprehensive the protection should be, it would be hard to take the time of this kind of group on those broader issues because this group is so busy. You couldn't get Howard Baker or Gerald Ford to really sit long enough to consider all the ramifications of how extensive Secret Service protection ought to be. I think that is a question which ought to be reexamined by the Congress because the Congress establishes the rules and I would think those broader considerations go through our regular committee process.

But as it relates to the availability of protection for the President, I think that is an appropriate function for this Commission. That would probably get it started and would probably stimulate action on it.

Chairman ROTH. Senator Chiles, I was just raising a question which I think has been a matter of considerable interest to you. And that is the question: To whom do we extend Secret Service protection?

Senator CHILES. I have had some interest in that.

Chairman ROTH. I raised the question with Senator Specter, as I think we should with the suceeeding witnesses, as to whether or not this isn't a question that ought to be examined somewhere in Government, possibly by this Commission, if we decide to move ahead and create that Commission. And that is where we are at the present point.

I am going to have to leave, unfortunately, for a meeting in the majority leader's office.

Senator CHILES [presiding]. I just have a couple of questions. This is a general subject matter that I have been interested in and I introduced some legislation on the matter. I chaired the Treasury Appropriations Subcommittee, and we had the pleasure of the Secret Service appearing before us from time to time. Of course, I introduced legislation last year and again this year concerning former Presidents and some of the wives, widows, and other people who are covered by Secret Service protection.

I had the Secret Service budget and several times a year, I heard from them that their budget was going over. We often had to make adjustments and that caused me, of course, to start looking at this area.

I am a little bit concerned that we are talking about a Commission that is going to determine what the Secret Service coverage should be for former Presidents, wives, widows and spouses, if that Commission is going to be cochaired by two former Presidents. You have a little bit of a built-in bias there. If you ask them how long they should be covered, or to what extent they should be covered, their recommendations will apply to themselves and to anybody else. I think you are going to have a hard time getting some meaningful answers if you are going to have that kind of chairmanship on that particular question. I am not saying they cannot provide valuable information as to what the coverage should be on an acting President, but I am concerned on these other questions.

Senator SPECTER. Senator Chiles, the statute which I proposed would only go to the President. This Commission would not deal with the scope of protection on former Presidents or wives or children or anybody else. If I might say just in a paragraph or two, the thrust behind this legislation is there are real problems which confront the Secret Service in providing protection for the President because of the interests of having him available to the public, which is very understandable.

The Treasury Department has just released a report which is candid in saying there is a conflict between the Secret Service and the President's advance men. This Commission is going to consist of very top level people, like former Presidents, like the majority leader—I discussed this with Senator Baker in advance and I might say that before proposing this legislation, I waited to see if there would be others who would come forward who had more seniority in the Senate and Congress, and when none did, I then consulted

with Senator Baker and Senator Robert Byrd, on both sides of the aisle in the House, to come up with this idea.

I am looking here only to people who are at the very top of the Government—the majority leader, Speaker of the House's designee, because he is in the Presidential line himself.

As I said earlier, I am not wedded to excluding the Speaker. Perhaps he should be there instead of his designee. The chairmen of the Judiciary Committees on both sides; they were selected because I thought this was a matter for the jurisdiction of the Judiciary Committee. And the Treasury Department Secretary. I am not wedded to these particular people either.

President Ford thinks it is a good idea. The chairman read into the record a part of a letter and I consulted with him. He was on the Warren Commission where I was one of the young lawyers. And in bringing this proposed legislation forward, it has been in the context with the experience which I had on the Commission.

The one recommendation of the Commission which has not been adopted is some high-level body. They recommended Cabinet officers. If somebody wants Cabinet officers instead of these people, I would be flexible.

Senator CHILES. I wouldn't be flexible with Cabinet officers if I were you, because Cabinet officers would decide they need to be covered by Secret Service protection.

Senator SPECTER. I have just withdrawn that flexibility.

Senator CHILES. Over a long period of time the Secretary of the Treasury has always felt that, even though the legislation never provided for it, somehow he should be inherently covered by the Secret Service because he was in charge of the Secret Service. We had some former Treasury Secretaries who decided to give themselves considerable protection through the Secret Service, as much as the President, virtually.

Senator SPECTER. The jurisdiction of this Commission is only as to Presidents. That is the critical issue.

Senator CHILES. So you are only talking about the Commission working with the active President, not former Presidents.

Senator SPECTER. Correct. And the Commission only lasts 1 year. We give it an early sunset so we don't have a permanent kind of Commission. It is going to take a hard look with people who really have great experience in this field, someone even the President will be likely to listen to.

Senator CHILES. I can see some real purpose for what you are talking about there. Those are mixed questions, whether the President himself will allow that coverage. How much he will allow himself to be protected.

Senator SPECTER. In the final analysis, Senator Chiles, the President is going to have to decide that himself. If he has these suggestions, No. 1, he is likely to listen because these people are knowledgeable. No. 2, if he is inclined to withdraw, he receives a good rationale because he is not withdrawing on his own. The worst that can happen is he won't listen, but a successor President might.

There is such a tremendous problem with the assassination of an American President that we ought to leave no stones unturned if we can make a significant contribution.

I am just hopeful, Senator, that this idea will not lie dormant until the next effort at a President.

Senator CHILES. I have no further questions.

I thank you for your appearance before the committee and for bringing this matter to the Congress attention and the committee's attention.

[The prepared statement of Senator Specter follows:]

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PREPARED STATEMENT OF SENATOR ARLEN SPECTER

Mr. Chairman, I appreciate the opportunity offered to me by the Governmental Affairs Committee to testify on this bill. I introduced S. 1417 because of my conviction that a Commission of top-level officials is needed to overcome pressures which have consistently undermined the safety of the President of the United States. The pressures are persistent and they lead to the President being too accessible, too exposed to danger, in public appearances. These pressures come primarily from three sources: (1) public expectations established over a long period of time and based on the excessive accessibility of prior Presidents; (2) demands of the media which wants to question the President in public at all times and at all places; and (3) the political advisors and advance men on the President's staff whose primary goal, quite understandably, is to try to fulfill the expectations of the public and the press.

These pressures historically have overwhelmed due consideration of safety and have led to a pattern whereby White House officials ignore the counsel of caution from the Secret Service. Our Presidents have consequently taken undue risks by appearing in public and outdoor places in very close proximity to unidentified, unscreened individuals who may turn out to be armed and dangerous. Some of them did.

The attempted assassination of President Reagan, like the two attempts on former President Ford, occurred when the President was enroute between a building in which he was speaking and his limousine. In each case, the would-be assassin was allowed to get close enough to fire a handgun with a reasonable chance of accomplishing his purpose. In light of the attacks on President Ford, it is inexcusable that unidentified persons should have been allowed within 15 feet of President Reagan last March 30th as John Hinkley was.

After the attempts on former President Ford, there was much public discussion about following a standard of safety that unscreened persons in public places would not be allowed closer to the President than 50 feet, the distance from which a person with a handgun would be unlikely to be able to hit the President. Why was the "50-foot rule" not observed on March 30th?

When one observes the video tapes of the shooting of President Reagan, there are other obvious and disturbing questions that come to mind:

1. Why was the President pausing to respond to press questions on the sidewalk rather than quickly entering his limousine? Are such impromptu question and answer sessions in outdoor, unprotected places really necessary?

2. Why were the press permitted to congregate along the line of departure? Why wasn't a press area set up at a safer location or at least at a greater distance from the President's line of travel, so that the 50-foot rule could have been observed?

3. If the press corps needed to be as close as fifteen feet, then why wasn't that area closed to persons who were not accredited members of the press?

The Treasury Department recently issued a report on the incident. The report explains (at p. 41) that Secret Service "...procedures do not include such matters as how far from the President crowds should be kept." The report also suggests that in addition to the judgment of the special agent in charge of the Presidential detail, the level of manpower is established as a practical matter by two factors: (1) and I quote, "the level of manpower available to the service," and (2) and again I quote, "the need to reach a practical accommodation - there being no written agreements - with the occasionally conflicting demands of the White House advance staff for greater exposure of the President to the press and public." (p. 41).

Mr. Chairman, I suggest the Secret Service Procedures should include a 50-foot rule. Second, I submit that it is just not acceptable that the adequacy of protection should ever be dependent on how many agents are readily available. Obviously, additional agents can be summoned from various other assignments or places as needed. The problem really is that there is no minimum standard for manpower on Presidential trips. There should be one. It should include a minimum number of agents who should be forming a protective shield of human bodies around the President at all times when he is outdoors or otherwise exposed to unscreened persons who could be armed. Third, I suggest that the President's safety should not be the subject of compromise between political aides and Secret Service agents. The safety of the President is much too important to the country to be resolved in private, informal discussions between persons of that level. It is not adequate and it is not appropriate for basic safety issues and minimum standards to be left to such a procedure.

The Treasury Department's report candidly analyzes this problem. The report (pp. 49-50) states:

> "The political mission of the White House Staff conflicts at times with the security mission of the Secret Service; security measures taken to protect the President are often determined by give and take between the two groups. Without some agreement between these two groups with regard to substantive security guidelines, the level of protection provided to the President will inevitably be inconsistent."

The only part of that analysis that I dispute is use of the word "inconsistent." The question is, inconsistent with what? One worries that the answer is inconsistent with the basic level of protection that ought be be afforded to the President. Certainly that's what happened at the Hilton Hotel.

The report went on to note the irony that inside the Hilton elaborate security precautions were taken to safeguard the President. Members of the group to which he spoke were kept at a substantial distance even though they had been prescreened. By contrast, "outside the Hilton, members of the general public, without any Secret Service prescreening whatever could walk to the rope barricade and stand within 15-feet of the President." (p. 50). That's precisely what John Hinkley did.

I strongly disagree with the report's recommendation that substantive security standards be set forth in a single document on which both the Advance Staff and the Secret Service could agree. The problem, obviously, is that the two groups have diametrically opposed purposes and responsibilities. Agreement is just not likely. Indeed, it is the lack of agreement over the years that has created the danger to Presidential safety. But there is an even more fundamental problem: The conflicting public interests of a safe President and an accessible President are simply not matters that can be appropriately decided either by security experts or White House Staff people.

That is precisely why after the assassination of President Kennedy, the Warren Commission recommended that Presidential protection be reviewed and monitored by a high-level group outside the Secret Service and the White House Staff. While virtually all the other recommendations of the Warren Commission were implemented, very regretably this one was not. As you know, Mr. Chairman, I was a young attorney on the Commission staff. I have given the matter considerable thought over a period of many years. I firmly believe that the Warren Commission's recommendation was essentially correct and should have been acted on in some form. The legislation I propose will remedy this deficiency and take this essential and long-overdue step.

Recent former Presidents are ideally suited, as are top Congressional leaders, to address these issues and to resolve them on behalf of the American people, subject, as must be the case, to the final judgment of the incumbent President. Former Presidents are acutely aware of the realities of political life in contemporary America and the expectations and needs of the media. They are also uniquely qualified to know about the threats and dangers which every President faces. Yet they have the independence from the incumbent President and his Administration so that their recommendations will be accepted and seen by the public as free from influence by the current Administration.

I know that former President Ford strongly endorses this proposal, which I discussed with him personally at the time I was considering offering it. Mr. Ford has agreed to Co-Chair the Commission. President Ford had hoped to be able to testify at this hearing but his schedule did not permit him to do so.

The reasons the proposed Commission will succeed in improving Presidential safety are that its members are the best judges of the issues and the President will likely follow their views.

The proposal was also discussed in detail with Director Knight of the Secret Service and reflects many of the suggestions he and other officials made. In addition, the proposal was discussed in depth with the leaders of both parties in the Judiciary Committees of both the House and the Senate and with the party leaders in each body. The proposal was cosponsored by Thurmond and Biden and in the House by Chairman Rodino and Congressman McClorey.

When the Warren Commission made a similar proposal 17 years ago, it explained its views rather clearly. In its report on the assasination of President Kennedy, the Commission noted that Presidential protection is not just the responsibility of the Secret Service. Rather it is a responsibility shared by many agencies: the Secret Service, the FBI, the CIA, and others. The Commission came to the conclusion that exchange of information and other forms of assistance among these agencies needed improvement. Detailed examination had, of course, been conducted as to why information about

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Oswald known to the FBI had not been provided to the Secret Service. But the Warren Commission was also concerned that the subject of Presidential protection was of such national importance it simply transcended the interests of the individual agencies. The Report stated (at p. 456):

> "The Commission believes that it is necessary to improve the cooperation among these agencies and to emphasize that the task of Presidential protection is one of broad national concern." (Emphasis added)

The Commission therefore recommended a Cabinet-level committee to review Presidential protection from a broad perspective.

The Commission hoped that such a committee could accomplish essentially three goals:

First, the committee could help define the "...general nature of domestic and foreign dangers to Presidential security." (p. 457). Such assessment of the threat is crucial to establishing what kinds of intelligence are needed from the FBI and the CIA.

Second, the committee would "...assure that the maximum resources of the Federal Government are fully engaged in the job of protecting the President...." (p. 457). The Report noted that increased resources might be found necessary; it then observed (at p. 457) that:

> "Major needs of personnel or other resources might be met more easily in its recommendation that they have been in the past." (Emphasis added)

Third, the committee was viewed as the best way of assuring that White House staff members would take due account of considerations of safety and heed precautionary advice from Secret Service experts. The Commission reached the heart of the issue of Presidential protection when in concluding its discussion of why a high-level committee was needed, it stated (at p. 457):

> "For various reasons, the Secret Service has functioned largely as an informal part of the White House Staff, with the result that it has been unable, as a practical matter, to exercise sufficient influence over the security precautions which surround Presidential activities. A Cabinet-level committee which is actively concerned with these problems would be able to discuss these matters more effectively with the President."

Mr. Chairman, as you know, the recommendation for such a high-level committee was never implemented. Indeed, it is the only major recommendation of the Warren Commission that was not followed. The problems it was designed to resolve were major problems then and were by no means entirely eliminated by the reforms which were instituted in the aftermath of the assassination of President Kennedy. Indeed, they remain serious problems today.

Let me illustrate:

1. Resources: With regard to resources, great increases were, in fact, provided in the years following the Kennedy assassination, but, on the other hand, the number of family members of former Presidents who by law are entitled to protection has grown greatly. So has the number of candidates for President, while campaigns have grown even longer. In addition, the number of foreign officials protected during visits to this country has increased substantially in recent years. We therefore now find ourselves in the position of wondering if in light of increasing dangers and burdens, the Secret Service does have adequate resources. Maybe it does not. I, for one, found it terribly upsetting to read in the Treasury Department Report on the attempted assassination of President Reagan that the level of manpower assigned to specific Presidential trips, at least in Washington, is determined as much by what is available as by the judgment of experts as to what is desirable.

Therefore, it seems indisputable that once again there is a serious question whether Secret Service needs more personnel. The Commission I propose is needed to address that question, for the ordinary appropriations process does not seem to have done so in an adequate manner. I submit that the Secret Service budget warrants special review now, following the attempt against President Reagan just as it did years ago following the assassination of President Kennedy.

2. Intelligence: There are really two questions concerning the adequacy of intelligence: (1) Is all relevant information known to FBI and other agencies passed promptly to the Secret Service? and, (2) Is all that is needed being collected? I submit, Mr. Chairman, that on both issues the adequacy of intelligence is in doubt.

We were all dismayed to read in the papers that a year ago the FBI had information about John Hinkley's arrest at the Nashville Airport on gun charges when former President Carter was in that City. There was much dispute about whether and how effectively that information was provided to the Secret Service. I do not know the precise answer. I do know that after the failure to pass information about Lee Harvey Oswald, there should just not be any question or dispute on this score. Apparently, the problems of defining

what intelligence should be passed and how has not been solved satisfactorily. Perhaps it might have been if the Warren Commission's recommendation to create a high-level review body had been implemented. We will never know. But we can all agree the issue of transmitting intelligence had better be addressed promptly and decisively.

As to what intelligence should be collected, I understand that here again disagreements have not been resolved. I have been advised that the Secret Service has expressed grave concern over the great decrease in the quantity and quality of intelligence it has received from the FBI since 1976 when the FBI closed most of its domestic security intelligence investigations. The FBI reportedly disagrees that the value of its information is significantly less. This dispute has been going on for several years without resolution. Obviously it cannot be resolved by the two agencies involved which do not agree. It can only be resolved by an outside body which has incontrovertible independence and clear credibility. The Commission I propose in S. 1417 is exactly such a body.

3. White House Staff Dominance: In 1964, the Warren Commission emphasized how the White House Staff, the advance men, the media advisors, and the political advisors often resist the Secret Service's advice. As a result, all our

Presidents have taken risks to their safety that, in my opinion, were unnecessary, unwise and unjustifiable. The problem was they didn't have to be justified. The White House Staff simply could overrule or ignore Secret Service suggestions. Even worse, these decisions were made informally, secretly and by staff members often not equipped by training or experience to be able to give due weight to security factors. Accordingly, such staff members have regularly rejected counsel concerning Presidential safety on the basis of their being the superiors of the Secret Service agents. The Warren Commission recommended a high-level body because it "...would be able to discuss these matters more effectively with the President."

Mr. Chairman, perhaps you found it as upsetting as I did to read in the Treasury Department's Report how critical matters involving the safety of President Reagan were left to accommodations reached between middle-level Secret Service supervisors and White House advance men. Perhaps many were shocked to learn that there is no agreement between the White House and Secret Service staffs as to how far away from unscreened persons the President should be kept and how many agents should surround him when he is exposed in public places.

The Treasury Department Report suggests that a document "on which both groups can agree" be written to resolve these and related issues. (p. 51) I dissent. A proper compromise cannot be effectively reached between White House and Secret Service staffs now for the same reasons noted by the Warren Commission and acknowledged in the Treasury report: the two parties have conflicting interests and vastly unequal powers. A Commission of former Presidents and top Congressional leaders, however, can surely accommodate the opposing goals of Presidential accessibility and Presidential safety.

Finally, Mr. Chairman, I would like to note the important role to be played in the Commission's deliberation by the Secretary of the Treasury. As a member of the Commission, he can assure that in its work, any hearings it may have, any subpoenas it may issue and in its reports, the Commission does not inadvertently interfere with the Secret Service, intrude into its internal operations or expose secret methods and techniques. The Commission can also be expected to accomplish its major national task without any real risk of undermining the normal Executive Branch or Congressional oversight or the further management reviews I understand are underway in the Treasury Department.

I would also note that the Commission is temporary and would do its work very quickly and at practically no cost. It would report initially within four months and finally within one year. It would have only a very small staff. Because its findings and recommendations will be based more on the life experience of its members than any extensive inquiry or advice of outside experts, the Commission's work will not consume much of the time and energy of its illustrious members or divert them from their many other duties.

Mr. Chairman, I thank you and my colleagues who are Members of the Committee.

Senator CHILES. I understand Senator Pryor is on his way here. But while he is on his way, Mr. Knight, I understand you are to be the next witness. Maybe I will take this opportunity to ask you a couple of questions, if I might. I assume you have a statement.

TESTIMONY OF H. STUART KNIGHT, DIRECTOR, U.S. SECRET SERVICE, WASHINGTON, D.C.

Mr. KNIGHT. Yes, sir, a short statement.

Senator CHILES. I think I will start on my questions until Senator Pryor gets here. I am going to have to leave and go to another hearing.

I continue my interest in the Secret Service protection for former Presidents, their wives, and relatives. In fiscal year 1980, the cost of providing protection to these people was $7.9 million.

That was up from about $50,000 in 1964. What is the cost of providing protection today for former Presidents, their wives, and relatives in 1982?

Mr. KNIGHT. I don't have the exact figures, Senator. I can furnish them for the record. I think it is a reasonable assumption that it is more expensive now than it was just by the fact of inflation.

Senator CHILES. I would appreciate it if you would furnish that for the record.

Mr. KNIGHT. Yes, sir.[1]

Senator CHILES. Can you tell me how that cost would compare to the total cost of the Secret Service in carrying out a protective mission, what percent?

Mr. KNIGHT. It probably exceeds 50 percent.

Senator CHILES. Exceeds 50 percent?

Mr. KNIGHT. Yes, sir.

Senator CHILES. Of the total cost of carrying out your mission.

In May 1979, you testified that from a security standpoint, there did not appear to be a need to provide round-the-clock Secret Service protection to the widows of former Presidents. Could you

[1] See p. 31.

outline what resources are involved in providing that round-the-clock protection for the widows of former Presidents?

Mr. KNIGHT. I would like to give you the dollar figures. I would ask your understanding in my hesitation to give you the number of agents involved. I will be happy to furnish that information to you personally.

Senator CHILES. Yes.

Mr. KNIGHT. Again, as a general proposition, whatever the figures we gave you in 1979 were, it is in excess of that now.

Senator CHILES. Is your position on this issue the same today as it was when you testified in 1979, that from a security standpoint, you do not know of any outstanding threat?

Mr. KNIGHT. My position is the same now as it was 2 years ago, yes.

Senator CHILES. A special problem arises in the travel of former Presidents. As we both know, our former Presidents have tended to be active in recent years. The cost to the Secret Service and ultimately the taxpayer providing such protection can be considerable.

In fact, one trip from Palm Springs to Ann Arbor, Mich., the cost of protecting the President, salary, per diem, preparation time, is estimated to be about $16,000. Let's say that trip was for the political or income-generating purpose. We certainly don't want to stop the former President from traveling, but we are looking at ways to reduce some Government spending. If such trips are made for income-generating purposes, should we be looking at something like a user fee for Secret Service protection cost?

Mr. KNIGHT. That is a difficult question. I am not sure I am the appropriate witness to respond to that question. It strikes me as being more of a political question than a professional law enforcement question.

Senator CHILES. I understand that. It is a concern I have. If a former President was going to make a speech, let's say at Ann Arbor, Mich., and decided that even if he was going to get a fee of $10,000—that would be good and high for a speech, maybe that is not high for a former President, $5,000 or $10,000—it would still pay the Government to give the former President a check for that amount, rather than have them go and get $5,000 or $10,000 at the cost of $16,000 to pay for the Secret Service protection. I assume that cost would not have gone down any.

Mr. KNIGHT. No, that is a fair assumption.

Senator CHILES. Last year, S. 2408, my former Presidents bill, was a subject of much discussion. We met with administration representatives and several members of this committee were actively interested in the proposal. I had a chance to meet with former President Ford and discuss the provisions of the bill with him at some length. When he turned to the Secret Service protection provisions of the bill, he felt that Congress was best suited to make judgments as to Secret Service protection itself. What, in your estimation, are the factors Congress should take into account in making a determination for former Presidents, their wives, widows, and minor children?

Mr. KNIGHT. I think you have to consider a number of factors, not the least of which is one familiar to you—our threat level, a term which describes how many people who have exhibited an

interest that would cause us to be interested in them. I think there should be some provision so that in the case of an emergency, the Secretary of the Treasury or some other responsible official could, institute an ad hoc, short-term arrangement until whatever questions that might have arisen have been resolved.

Senator CHILES. As you know, in 1979, Senator Pryor and I chaired a series of hearings which looked at Secret Service protection to former Presidents and other benefits and services to former Presidents. And after these hearings we and some 13 other Senators introduced a bill, S. 2408, to control and reduce the cost of former Presidents programs to the taxpayer. At that time, the Secret Service was a member of the interagency task force that supplied the committee with comments and proposed revisions of S. 2408. Senator Pryor and I have come forward with an updated version of that bill in this Congress. It is S. 1325, the former presidents facilities and service bill of 1981, and it contains provisions dealing with Secret Service protection to former Presidents and their families.

Would you provide us with your thoughts on that bill, either today or in written comment?

Mr. KNIGHT. Yes, I will be happy to.

[The information referred to follows:]

U.S. SECRET SERVICE,
Washington, D.C., October 2, 1981.

Hon. LAWTON CHILES,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR CHILES: During my testimony on S. 1417 on September 22, 1981, before the Committee on Governmental Affairs, you requested the views of the Secret Service on S. 1325, a bill to reform the laws relating to former Presidents. Since the issue of protection is addressed exclusively in Title III of the proposal, my comments will be restricted to that portion of the bill.

To the extent that our protective authority would be modified, the proposal appears to be justified on the basis of intelligence information gathered by the Secret Service regarding the wives, widows and minor children of former Presidents. This data suggests that the numbers and kinds of threats directed toward this class of protectee are minimal and that the staffing and resources of the Secret Service can be better utilized in other areas of responsibility.

However, the Secret Service does have substantial concerns about certain provisions of the draft bill. If the language contained in section 303(a)(1) relative to the authority of the Secretary of Treasury to reinstate "after a period of time has passed since the expiration or termination of such protection" is intended to require suspension of Secret Service protection prior to its reinstatement, we would oppose such language.

We also note that the advisory committee created by P.L. 90-331, 82 Stat. 170, must approve requests for the extension of protection. This procedure constitutes a departure from the current method of approving the protection of major Presidential or Vice Presidential candidates. In the latter case, the Secretary of Treasury is required to consult with the advisory committee. Under the draft bill, however, the request for extension of protection must be approved by the advisory committee. The Secretary is required to submit requests for extended protection to the advisory committee which must in turn consult with the Advisory Panel prior to a determination of whether such request should be granted.

There are many problems with this procedure. In the first instance, the advisory committee established by Public Law 90-331 does not function as a standing committee under current procedures. Further, the advisory committee and the Advisory Panel created by the bill would have to be convened when such requests for extended protection are received. This procedure does not take into account emergency situations requiring the expeditious reinstitution of protection. An Advisory Panel advising the advisory committee would appear to be a cumbersome and inefficient procedure which would create administrative and operational problems,

particularly since the reinstitution of protection, in most instances, would be based on emergency conditions requiring a timely decision.

In view of the foregoing, it would be the recommendation of the Secret Service to delete those provisions of the bill establishing the Advisory Panel and requiring advisory committee approval of requests for the extension of protection. The Secretary of Treasury should be given the authority to reinstitute protection upon a finding that a serious threat warranting such protection exists. The bill could require the Secretary to consult with the advisory committee in advance of the reinstitution of protection when the circumstances permit such preliminary consultation. Further, the draft bill should provide that the Secretary could reinstitute protection in emergency situations with a requirement that he consult with the advisory committee on the merits of such protection as soon thereafter as practical. As a further control over an abuse of discretion, the Secretary might be required to report to the Appropriations Committees on an annual basis the number of instances in which the exercised his authority to extend protection. The report could detail the basis for his determination that a serious threat warranted such protection.

It is also recommended that the term "minor child" be defined in the draft bill as a minor child of a former President under 16 years of age in order to restrict the protection of children of former Presidents to the same age requirements contained in present law.

It should be noted that these views are those of the Secret Services only and are based upon the data available to this Service and its institutional experience. We recognize that these views do not consider a wide variety of other relevant factors which are not within our area of direct concern.

In regards to your request for financial data relative to the protection of former Presidents and their families, the following figures reflect the total cost for Fiscal Year 1980 of operating the respective protective divisions, including costs incurred by other offices directly attributable to former presidential protection, and the costs of operating the respective protective sites (exclusive of the cost of equipment from stock): Ford—$3,442,494; Nixon—$2,019,351; Johnson—$1,537,368; Truman—$379,467; and Eisenhower—$184,752.

Thank you for your interest in our views on this matter.

Sincerely,

H. S. KNIGHT,
Director.

Senator CHILES. Former Presidents will always be somewhat controversial figures, but we all recognize that, as time goes by, the number of threats to a former President certainly goes down. I guess this shows that after a point, a former President becomes just another famous person. Like other famous people, he might decide to hire his own protective service. What are your thoughts about relying on such private services and terminating Secret Service protection for a former President after he has been out of office for some number of years, perhaps with an option for Secret Service protection to be reinstated in times of an actual threat.

Mr. KNIGHT. I would have no objection to an approach of that nature, Mr. Chairman.

Senator CHILES. I thank you, and I assume that we should stand in recess. I have an opening statement which I will just submit for the record.

Also, Senator Pryor wishes to submit a statement, which will immediately follow mine.

[The opening statements of Senator Chiles and Senator Pryor follow:]

OPENING STATEMENT OF SENATOR LAWTON CHILES

Mr. Chairman, my opening remarks are brief.

First, I would like to commend you for calling these hearings to look into the question of the role of the Secret Service's protection mission. The horrible shooting incident involving Presidet Reagan earlier this year underscored the importance of making sure our Presidents are protected adequately. That means taking a look at Secret Service procedures, and it also means taking a look at what the other

missions of the Secret Service are when it comes to protection. Protecting the President is vital. In these times, keeping government spending down is important, too.

So I'm glad that the Committee is looking at Secret Service for the President, and at Secret Service protection for other persons as well. It may turn out that we can do a better job of protection and save money, if we make sure that all the people who get protection today really should get protection. It's important that we raise the issue of Secret Service protection for former Presidents, their widows, and their families. I'm glad, Mr. Chairman, that you have raised that issue at this hearing.

It is an issue which I and other members of this Committee have been interested in for some time now. Back in 1979, Senator Pryor and I held a day of hearings on the problem of Secret Service protection for former Presidents. That hearing was part of a series of hearings this Committee held on the entire problem of benefits and services to former Presidents. We heard from government agencies, from GAO, from scholars and from other interested parties. We use the findings made in those hearings to come up with a bill, S. 2408, the Former Presidents Facilities and Services Act of 1980. We were pleased to have 13 other Senators, liberal and conservative, from both sides of the aisle, join us in introducing the bill.

The bill focused on three areas: Presidential libraries, staffing and allowances for former Presidents, and of course, Secret Service protection for former Presidents. We consulted with the Administration, with GAO, and with other Senators. Several members of this Committee—Senator Percy, Senator Stevens, and Senator Ribicoff—were actively interested in the bill, and provided invaluable improvements. We also met with former President Ford, and got his views on the legislation.

This year, we relied on those suggestions to introduce a new version of the bill, S. 1325. Once again, we were joined by several of our colleagues in introducing it, including Senator Sasser and Senator Cohen, members of this Committee.

Mr. Chairman, I mention this because we are looking at an area that is covered by one key aspect of that bill—Secret Service protection for former Presidents. It seems to me that it would make sense to look at the other provisions of S. 1325 at the same time that we look at protection for former Presidents. If the Committee decides to move forward with any proposal that deals with this subject area, then certainly it should move forward with S. 1325 at the same time.

We all recognize that this is a time when we are looking for places to cut the budget. We've already made large cuts, but now it looks like the Administration wants to make more cuts. We know that these cuts will hurt people, and that people will have to sacrifice. This need to make cuts in the budget only makes the importance of moving to consider S. 1325 even greater. I'm not claiming that it will balance the budget by itself, but I do think that it will bring about real savings. In 1980, we spent close to $22 million on the care of our former Presidents; any money we can save there will help. There's also a matter of fairness involved. There are a lot of senior citizens in Florida who are worried about Social Security cuts. And I'm worried about those cuts too. In the past several months, we've asked a lot of people to sacrifice so that we could try to reduce federal spending. I believe it's time to ask our former President to sacrifice, too.

Thank you.

Opening Statement of Senator David Pryor

Mr. Chairman, presidential protection is certainly a timely and appropriate area for this committee to consider, especially in light of the recent attack on the President's life. Congress must take steps to insure adequate protection of current and former presidents. I believe that the Presidential Protection Commission bill, S. 1417 should be carefully considered as a way of improving present protection methods.

The purpose of this legislation is to deal with the problems of constantly maintaining the security of the President of the United States. This is no simple responsibility, but one that certainly involves the security of not just the President, but of the entire nation. It is always appropriate to proceed with investigations into methods by which presidential protection may be enhanced.

Inasmuch as this commission would look at protectees other than the President, let me take a moment to call attention to related legislation before the committee. That legislation, S. 1325, the Former Presidents Facilities and Service Act of 1981, has been introduced by Senator Chiles and myself, along with twelve other Senators. Our bill addresses the problems of cost associated with secret service protection of former presidents and their families, as well as costs of Presidential libraries and staff allowances. Three days of hearings were held on this issue during the 96th

Congress, and we believe that the committee should consider S. 1325 as it considers S. 1417.

Senator Chiles and I have recently sent a letter to you, Mr. Chairman, asking that S. 1325 be placed on the committee's schedule for action at the same time as S. 1417. We believe this to be an efficient, prudent approach to these related matters.

Thank you.

Senator CHILES. Senator Pryor or Senator Roth will be on their way. So we will stand in recess until that time.

Thank you.

[Brief recess.]

Chairman ROTH [presiding]. The committee will be in order.

Mr. Knight, I apologize to you for the interruption because I know you are a busy man and regret that the situation arose where it was necessary.

I understand that Senator Chiles did ask you some questions, but I am not certain that you had the opportunity to make comments you care to make.

Mr. KNIGHT. I do have a short statement, Mr. Chairman, but perhaps in the interest of time it would be best served if I just introduced it for the record, if that is all right with you.

Chairman ROTH. Yes. Without objection, it will be inserted following your oral testimony.

Let me ask you, Mr. Knight, can you testify as to what is the position of your own organization, the Secret Service, on this legislation, as well as the Treasury? Has either one taken any firm position on this?

Mr. KNIGHT. We have, of course, studied the proposal, and I would say at the outset any proposal which would enhance our ability to carry out our protective responsibilities is welcomed. On the other hand, there are structures and processes in place in terms of our own oversight of ourselves, as well as the Department itself, which has just completed a review, as you know, of our performance on March 30. I guess the question really is, is it necessary to establish another body or commission or committee to do essentially what we are doing?

Chairman ROTH. I am sorry, I didn't hear the last part.

Mr. KNIGHT. I said the question would be, in light of our own self-assessment continuing day by day, Treasury's close supervision and oversight of our operations and our cooperation with the Department, is it necessary to have another commission or committee formed to perform essentially the same function?

Chairman ROTH. I would take from your statement, at least at this time, you are not ready to endorse, that there are some questions.

Mr. KNIGHT. Yes, Mr. Chairman, that would be a reasonable assumption.

Chairman ROTH. One of the questions that I raised earlier in the day was on the question on the extent to which we provide protection, not only to past Presidents and their spouses, as well as children—I think the children is very limited.

Mr. KNIGHT. Children receive protection up until the age of 16, sir.

Chairman ROTH. Until they reach the age of 16?

Mr. KNIGHT. Correct.

Chairman ROTH. Even though that is 12, 14 years later?

Mr. KNIGHT. That is correct.

Chairman ROTH. We also extend protection to all candidates for the Vice President and President, is that correct?

Mr. KNIGHT. That is correct, and that legislation does provide for a committee formed by the senior Members of the House and the Senate which then makes recommendations to the Secretary of the Treasury as to who are our major candidates. The Secretary of the Treasury will then direct us to protect those designates.

Chairman ROTH. The President made that decision himself, isn't that correct?

Mr. KNIGHT. Yes, in the most recent election. That, I should add, was later ratified by the committee.

Chairman ROTH. Which I think was appropriate. It was without the normal procedures?

Mr. KNIGHT. Correct.

Chairman ROTH. Then who decides whether Cabinet members have protection?

Mr. KNIGHT. I could only make an assumption because we are not involved in that responsibility.

Chairman ROTH. But you do offer protection to members of the Cabinet?

Mr. KNIGHT. No, sir.

Chairman ROTH. In the case of Secretary of State?

Mr. KNIGHT. Only the Secretary of the Treasury, sir.

Chairman ROTH. Only the Secretary of the Treasury?

Mr. KNIGHT. Yes. What you may be recalling is that when the former Secretary of State was Mr. Kissinger, there was an interagency agreement in which we assumed some of the functions and roles of the State Department security. That is how we became involved in protecting the Secretary of State. However, that is the only exception that I can think of because the Department of State does have their own security department.

Chairman ROTH. Is that coordinated in any way with you?

Mr. KNIGHT. It is on an intelligence-sharing basis, if we have any information that would be of interest to them, we would certainly furnish it to them.

Chairman ROTH. What does it cost—one doesn't like to put these things in dollars and cents—but nevertheless providing full protection to any individual around the clock, what does it cost?

Mr. KNIGHT. I answered that question for Senator Chiles. I gave him certain figures in 1979 which he has asked me to update, which I certainly shall do.

As I indicated to him, whatever the figure was in 1979, it is more now than it was then, just by the inflation factor. It is a very, very expensive proposition. You are absolutely correct.

Chairman ROTH. You don't have any dollar figure for 1979?

Mr. KNIGHT. I do for 1979.

Chairman ROTH. What was that figure?

Mr. KNIGHT. I am talking here of travel costs for protecting the President because that was the question at that time—it was $1,623,000. For the Vice President, $1,287,000. Former President Nixon was $69,000. Former President Ford's cost was $831,000. Mrs. Truman was $5,000. Mrs. Eisenhower, who was alive at that time, was $66,000, and Mrs. Johnson was $276,000. In addition to

that, as you know, we are required to protect visiting heads of state and heads of government. At that time that cost was $1,730,000. That was just the travel costs.

Chairman ROTH. Do you provide protection to heads of mission here, as well?

Mr. KNIGHT. No, sir. To clarify that, we do have the uniformed division of the U.S. Secret Service which is responsible for the buildings—that is, the embassies that various countries have here that represent their governments—but not the individuals.

Chairman ROTH. Do those figures include all costs, did you say?

Mr. KNIGHT. No, sir, those are only travel costs. I can furnish you all the costs, including salaries, and so forth. That was only travel costs. That was the thrust of Senator Chiles' question at that time.

Chairman ROTH. You say you have the total cost?

Mr. KNIGHT. Yes.

Chairman ROTH. I would assume the travel, although a very significant part, is only a part.

Mr. KNIGHT. Right.

Chairman ROTH. The other question is, it not only costs money, but the utilization of your other facilities to provide this protection, I would assume whatever equipment, intelligence, and others would be likewise utilized for all these people who are to provide that kind of protection?

Mr. KNIGHT. Right.

Chairman ROTH. I don't want to embarrass you, but would you say that there is any substantial danger—well, let me say—for past Presidents who have been out of office for a number of years, have you ever made any kind of review to see how many threats there are?

Mr. KNIGHT. Absolutely, we certainly do. It is a constant process that we go through all the time. I know you don't want me to get into personalities, and I certainly don't, but I think that varies as to which individual you are discussing.

On the other hand, as I responded to Senator Chiles earlier, the wives and widows of former Presidents are in a different category altogether in terms of the threat level we see there.

Chairman ROTH. Do they receive around-the-clock protection?

Mr. KNIGHT. Yes, sir.

Chairman ROTH. How many agents are usually involved in that kind of an operation?

Mr. KNIGHT. With your permission, Mr. Chairman, I would be happy to furnish you that information. I don't think I should do it in an open session.

Chairman ROTH. I accept that.

Would it be practical, in your judgment, to develop some kind of a process whereby, for a number of years, full protection would be given, but subsequently it be phased out and only be made available where there appear to be special circumstances?

Mr. KNIGHT. Yes, sir. That would be most practical, if you add the proviso it could be reinstituted in the event of a perceived emergency.

Chairman ROTH. Would you see anything wrong if we create such a commission with having it look at this aspect of the problem?

Mr. KNIGHT. I think if such a group is to be formed, that would almost necessarily have to be a part of their deliberations, because it affects the entire operation of the Secret Service.

Chairman ROTH. I guess one of the problems that troubles all of us is how do you reconcile an open society with the availability of a President with the need to provide substantial protection? I guess the question most people are asking with respect to the recent traumatic experience, and this question comes up every time, why did it happen, and what can be done to prevent it from happening again? Do you have any answers to those questions?

Mr. KNIGHT. Why did it happen? I guess because, as you said, we live in an open society. There are more mentally ill on the streets than there are in institutions. I am not advocating all mentally ill people should be incarcerated, don't misunderstand me, but that is why it happened. The second question, I think, was can it happen again? The probabilities are, yes, it can happen again. I was intrigued with just a cursory look at some of the comments in Senator Specter's prepared opening statement when he was talking about the 50-foot rule.

There has been a great deal of discussion about why was there a rope only 18 feet away from the motorcade. Of course, we can debate from now until doomsday what is an appropriate distance to keep people away from your President in an open society. Take the situation of the President attending a Superbowl game or a rally at Madison Square Garden. It is a very difficult question.

Chairman ROTH. As I said earlier, there is no way, it seems to me, in a democracy, you can give complete protection.

Mr. KNIGHT. I think it is important, if I might, Mr. Chairman, at this point, to indicate at least the institutional philosophy of the Secret Service which basically is if the agent personnel accompanying the President are required to go into action, as they did on March 30, that means that the other measures that we take have somehow not performed. I am speaking now primarily of our intelligence system which alerts us to potential threats and potential dangers, and the preparation time that goes into making a visit secure.

So when people talk of potential and they focus on only those agents in the immediate vicinity of the President, they are talking only about the tip of the iceberg as far as we are concerned.

Chairman ROTH. One has heard some criticism, for example—I don't know if I should say the degree of cooperation, but the working together with the FBI and other agencies who supply you, as I understand it, with much of your intelligence, leaves something to be desired. That there are bureaucratic problems, if you want to call them that, in getting that information as quickly as necessary to the Secret Service. Would you care to comment on that?

Mr. KNIGHT. I certainly would and I am very pleased you raised that issue because I think there is a misunderstanding on the part of many people as to the degree of cooperation between ourselves and any other law enforcement agency, whether it be Federal,

State, or local. I could use such terms as outstanding and excellent to indicate the degree of cooperation between us. There is just no question in my mind that our relationship is excellent. The problem is that they cannot pass on to us information that they do not have, and that, I think, is where the problem arises. It is not that they are not giving us the information they do have, but that they cannot pass on to us things they are not aware of.

In terms of the ability to gather this information, it is severely limited and restricted. We understand that. Negative information is as important to us as positive information. I mean negative information in the sense that this group or that individual is not a threat so we can redirect resources into another area since we no longer have to worry about the initial problem.

Chairman ROTH. If I understand you correctly, you question the limitations imposed upon the FBI to use surveillance on citizens in the country, is that correct?

Mr. KNIGHT. That is one way of putting it. I think, and I testified before, so I will be consistent again, that the Attorney General's guidelines of 1976 which establishes certain thresholds of information before the FBI can become involved has severely limited them in their ability to collect the information we need as a user or a consumer of the information that they give us.

Chairman ROTH. I think none of us wants to become a police state. Would it be worthwhile, for example, for the Attorney General guidelines—who issued this?

Mr. KNIGHT. Attorney General Levy.

Chairman ROTH. Do you see any value in creating, as one aspect of a Commission to review those guidelines?

Mr. KNIGHT. I think that would be a most appropriate function of that Commission.

Chairman ROTH. Going back to an earlier question, there has been a lot of discussion in Washington, concern expressed in the media and elsewhere as to the terrorist threat, the problems particularly in other parts of the world may become a factor here. Would you care to comment on that? Do you see terrorism becoming an increasing danger to our public figures, especially the President? Are you undertaking measures in anticipation, if there is such a problem? Or is this something that ought to be possibly reviewed by the Commission?

Mr. KNIGHT. Let me answer the second part of your question first. We certainly are aware of it and we are taking as many measures and as many steps as we can. If you mean to define terrorism as the use of force, or threat of use of force to change political or governmental decisions, I think to a certain extent we already have that danger. In some of the bombings we have experienced here, assassinations of Letelier, et cetera, I think terrorism is already here. The question becomes, will terrorism as it exists in Europe or South America be imported into this country? Will local groups become more active? I think you can read the current literature and take your pick of experts from those who say, yes, we already have it, to those that say we don't have it and never will.

The thing I have to be aware of, is even the latter group will not guarantee zero probability that terrorism will not increase or will

not take a greater role. Certainly we have to have that in our mind all the time—the lone single assassin as opposed to a well organized, well armed group. I think one of the things many of us are thinking about already is the 1984 Olympic games which also happens to be a Presidential campaign year.

So we are with some foresight spending time with those issues right now.

Chairman ROTH. Again, would you agree with me if this Commission were to be organized that that would be an appropriate area——

Mr. KNIGHT. It might divert the Commission somewhat from its stated primary purpose, but it is certainly an issue that I would welcome any additional light to be shed on.

Chairman ROTH. One final question, Mr. Knight. We talked a little bit about the makeup of the committee——

Mr. KNIGHT. I am sorry, sir.

Chairman ROTH. We talked, or I did, with the sponsor of the legislation about the makeup of the committee. I was a little bit concerned about the makeup in that we had a number of very able but very busy individuals, too many chiefs and not enough Indians, so to speak. Would you agree with me that if such a Commission were going to be created that there ought to be some representation on experts in the area as full members of the Commission or do you think it could be adequately handled through——

Mr. KNIGHT. I would hesitate to endorse a Commission that might have as a member a current Secret Service official only because it might blur the distinction between the Commission and the organization over which it is seeking to guide.

Chairman ROTH. I agree with that.

Mr. KNIGHT. On the other hand, I think the Commission would have to have a great deal of interchange with people currently in the Secret Service. This is a matter of education.

Chairman ROTH. Thank you, Mr. Knight. I appreciate your being here today and your answers.

Mr. KNIGHT. Thank you, Mr. Chairman.

[The prepared statement of Mr. Knight follows:]

PREPARED STATEMENT OF H. STUART KNIGHT, DIRECTOR, U.S. SECRET SERVICE

Mr. Chairman, I am pleased to appear before you and the other members of this Committee to discuss the merits of S. 1417. The task of providing protection for the President and Vice President of the United States and others, is a particularly demanding responsibility. Any legislative effort which attempts to address the difficulties inherent in accomplishing that protective responsibility is appreciated and encouraged.

As S. 1417 recognizes, the magnitude of the difficulty of providing sufficient protection is due to the high public visibility and publicity attached to the individuals being protected. The level of threats from persons who may be of significant danger is quite high and increases as the President and others increase their mobility and receive greater public exposure. A good example of this phenomenon is evidenced during "campaign years". As you know, the Secret Service is charged with protecting major Presidential and Vice Presidential candidates, prior to the general Presidential election. The level of threats which is continually monitored by our Office of Protective Research, can be traced as directly proportionate to the increased attention received by a candidate. I would be willing to discuss the matter of threat levels in more detail in an executive session.

In reviewing the duties of the Presidential Protection Commission which would be established by this legislation, I note that there are two main areas of attention. The first area addresses the purely physical elements which factor into the protection function such as the wearing of a bulletproof vest, or the riding in an open

vehicle. The second focus is upon analyzing and amending current laws and procedures to facilitate the prevention of an assault or a terrorist attack.

While the points of consideration that were outlined in S. 1417, are of concern, the Committee should be aware that through a constant self-evaluation process, the Secret Service is already attempting to resolve some of these issues. In fact, in the area of legislation, we have been seeking amendments to statutes relating to threats against the President, "zones of protection" as perceived in Section 1752 of Title 18, United States Code, and the accessing of intelligence information under the Freedom of Information Act, in order to enhance our protective function. This effort to correct certain inadequacies in the law is part of our continuing determination to strive for a more secure protective environment.

As part of the oversight function of the Department of the Treasury, Secretary Regan ordered a management review in the aftermath of the March 30 assassination attempt. This report, which was recently completed and made public, studied all aspects of the incident, including the adequacy of Secret Service protective procedures, facilities and personnel. As a result of that report and the self-analysis that followed in the wake of the attempt, a number of operational procedures were sharpened. Furthermore, the Office of the Secretary is working more closely than ever with the Service in order to support our protective requirements and to achieve maximum cooperation from other elements of government involved in the protective environment.

I want to assure the Committee that I am not trying to convey the impression that the Secret Service is "all knowing" or above the need for constructive criticism or assistance. What I would like to convey is this message—the Secret Service believes that in the interest of achieving a more secure environment for the President and others, the concern and energy that would be directed towards the creation of a Commission, would be better utilized by shifting those efforts towards the enactment of legislations such as the propsals that I have just mentioned.

Chairman ROTH. At this time I would like to call forward Mr. Vance, the chairman of MVM International Security, Inc. Mr. Vance, I have read your statement, so I would appreciate it if you could, to summarize your principal points in it so that we could proceed expeditiously.

TESTIMONY OF CHARLES F. VANCE, CHAIRMAN, MVM INTERNATIONAL SECURITY, INC., FAIRFAX, VA.

Mr. VANCE. Yes, Mr. Chairman.

Basically as my statement explains, I was a special agent for the Secret Service for 14 years. I resigned 2 years ago last August. And my comments are made not so much on whether or not a committee should or should not be formed but to my experience as a working agent, detail leader, a man who has been involved in security details for a good part of that 14 years, my comments were more on ways I thought that it would be helpful to the Secret Service in performing their responsibilities.

Again, I make five concrete suggestions, some of which have been touched on here and as you stated, I start out by saying there is no 100 percent secured environment, anywhere, particularly not in this country.

The one premise that I think is very important, and I know it is of great frustration to the Secret Service, is when they have a bona fide security concern over procedure or over a movement, they express that concern and at times they overrule for things that are far less important to their mind, of course, and most everybody's mind, than security considerations.

I speak along those lines in terms of either political considerations or things like camera angle or press exposure or public impact. I have seen on numerous occasions those type of justifications overruling a security decision. I think that that is one part that a committee or a commission or legislation, or however it can

be done, should give the Secret Service some type of sanctions to say that in those type of situations, they would have the authority for cause to overrule. I think that is most important.

I also mention that one of the things the Secret Service does not now have, at least to my knowledge, is the ability as sworn peace officers do, is the ability to commit a person who is mentally or emotionally ill for observation at least.

As we know, most of the attempts that have been made on our public officials have been made by people who are not terrorists or people who primarily have a mental or emotional problem. This is one way, I think, you could strengthen the ability of the Secret Service to perform their responsibilities. That was my second suggestion on page 2.

The third suggestion I made and, again, I use the presumption that Presidents will be exposed to crowds, as Director Knight explained, if you are going to a Superbowl game, there is no way you are going to avoid that versus clearing the area. My recommendation was within a certain area that they be given total authority to search persons and objects within, perhaps, a 50-foot area is my recommendation.

At this point, I am not sure they have that authority to just go up, if a person was within that area or they suspect or just generally to, in fact, search the person.

A fourth comment I made was that, and as Director Knight mentioned, I was not faulting the fact that the FBI gives everything they have to the Secret Service. My thought was there was some interpretation problems there at times that the FBI was not as cognizant as the Secret Service agent was of what the Secret Service was immediately in need of and, therefore, I recommended that a Secret Service agent be put in immediate liaison, that is coupled with the FBI agent who, in fact, screens subversive and terrorist information in the local field offices. That would alleviate the lapse of time between the two agencies considering the Secret Service agent would be immediately there and it would also give the FBI agent a better ability to know, in fact, what was critically important to the Secret Service at that time.

As we know, we are talking about a vast number of protectees. We are talking about a lot of mobility when you talk about Presidents, former Presidents, and Vice Presidents. It is very difficult for the FBI to be aware of an immediate concern or problem for any one protectee if they were not necessarily involved in that as a Secret Service agent would be.

My last recommendation, and I think it was brought home by this last unfortunate occurrence with President Reagan, was that the Secret Service Uniformed Division be used more often, particularly in terms of the area immediately around the perimeter of security that the Secret Service agents provide. That is, they would be the second perimeter of security. Many times, in fact as is the case now, primarily, local law enforcment are utilized and though they are excellent in what they do and their hearts and souls are into their endeavor, they have not the training or the experience that a Secret Service Uniform Division does have to, therefore, better be able to identify and respond to a potential problem.

For instance, the one that Mr. Hinckley created. So those are my five suggestions, not so much whether or not a Commission was to be formed, but some recommendations I thought would be helpful to the Secret Service in terms of this committee.

Chairman ROTH. Mr. Vance, I appreciate your taking the time to prepare a carefully drafted statement on a number of factors that you think would be helpful. I have to admit, and I haven't studied them carefully nor am I an expert in this area, but a number of your proposals do give me problems. I strongly believe we have to try to maximize the protection of the President or of such public figures. At the same time I think there is a limit as to how far we can go in a democracy least we shut off the President from the people.

Your first proposal, where you say that you would give some kind of authority to the security people whereby, if I understand you correctly, they could overrule and affect the President's decision to go somewhere?

Mr. VANCE. Let me explain that a little bit further. In every Presidential movement, or presumably in every Presidential movement that is any way scheduled, and that may be 5 minutes, whatever, there are advance security preparations made. They are almost always in conjunction with a person from the President's staff. What I am speaking of is that when those advance preparations are going on and they determine where the President is going to walk, how close the people will be to him, who he meets, what he does, everything from soup to nuts, that during this time that those type of considerations be discussed and decided that if at that point the advance security person from the staff, and many times in particular these are sometimes people on loan who believe they represent the President and do, but, in fact, do not have sometimes the experience, the Secret Service would then have the ability to say in a final sense, no, we don't want to walk this way, we want him to come in the other way for these reasons, for cause.

I have seen some situations where the President or Vice President wanted to go into an area or wanted to go into something that, in fact, the Secret Service said is going to be extremely difficult, if not impossible, to secure you and we are overruled. This would be, again—I realize you cannot keep the President in the White House all the time, but for cause or special circumstances, I think they should be given at least the ability to be under some sort of protection.

Chairman ROTH. It seems to me in the final analysis the President himself—no one can overrule him as to where he wants to go or what he wants to do. I was curious a little bit by your statement I believe the authority to overrule for cause, where he should go, should be given to the Secret Service by statute which in essence would say to me that Congress would legislate that they could overrule the President. Then you go on to make the comment, "If the Secret Service had had that authority in the past, John Kennedy might still be with us today."

Are you saying that the Secret Service perhaps should have had authority to say you shouldn't go to Dallas or what?

Mr. VANCE. No, what I am suggesting there was the Secret Service during the visits to Dallas recommended, No. 1, that the

President ride in a bubble top car which was overruled and a second recommendation was that two agents stand on the rear of the President's limousine. If that had not been overruled, one of those agents would have been directly in the line of fire of Lee Harvey Oswald.

Chairman ROTH. I guess, as I said earlier, that I feel in any such situation that the President himself has to have the final decision.

Mr. VANCE. Senator Roth, basically what you say is absolutely correct, but I do know in practice, particularly speaking, many times the President of the United States knows nothing about the decisions that his staff makes in terms of what they want him to do and it will be made many times in his name and in his authority but at the same time——

Chairman ROTH. I guess in a sense what you are saying, perhaps one thing the Commission ought to wrestle with is the certainty that their recommendations become known to the senior staff, if not the President himself, in critical situations.

Mr. VANCE. Yes, sir.

Chairman ROTH. I must say, under no circumstance could I agree that anyone could overrule the President himself any more than any other individual.

The last question I would ask you, you mention about special power of detaining, so forth, isn't it possible if that authority already rests with local officials, wouldn't it be better to use, if there is some dangerous person, to use that authority—you recall the problems of Watergate. I think such a proposal would cause real concern.

Mr. VANCE. There are isolated incidents where Secret Service agents, realizing they are not too frequent, where they are by themselves. They do not have that local law enforcement backup.

For instance, an advance team, may in fact, and intelligence team may in fact go out to interview somebody and, therefore, decide that that person should be committed and it has something to do with a visit of a protectee, it would be very helpful at that point if they had the authority to make that commitment because some people are not going to go along easily. That was more of my suggestion in that line. Most police officers in most jurisdictions now have that. I think a Federal agency, like the Secret Service, should, in fact, have that.

Chairman ROTH. Would you recommend the creation of such a Commission as we have before us today or not?

Mr. VANCE. Well, I tend to agree with Director Knight that I am not sure that another commission, another overseer is really what is needed here. That some of these recommendations should go down to the President, a legal means of doing those things versus forming another body.

Chairman ROTH. Thank you very much, Mr. Vance. I appreciate you being here.

[The prepared statement of Mr. Vance follows:]

PREPARED STATEMENT OF CHARLES F. VANCE, CHAIRMAN,
MVM INTERNATIONAL SECURITY, INC.

Chairman Roth, Members of the Committee:

As a former Special Agent of the United States Secret Service for 14 years (from 1965 until 1979) and a citizen of this country, I strongly applaud your efforts to improve the security for the President.

In my 14 years of Secret Service experience, I was involved in literally hundreds of movements of presidents and vice presidents, both in conducting advance security preparations and in actual physical protection throughout the world. I am fully aware of the grave responsibility that comes with that work and I am also very proud to have been among the men and women who dedicated their abilities, energies and lives to insuring that the leaders of this country are as secure from harm as possible.

First, as we all know, there is no 100% secure environment for a president of the United States. The task of any security force is to increase the odds of avoiding harm (either intentional or unintentional) to their protectee while working within the parameters of their society, their political system, and the authority vested in them. Certainly the security forces of other countries have a much easier task than our Secret Service, since most of them have more restrictive societies and more authoritarian police powers. And, I am quick to add, I am not suggesting that this is a fault with our system, but merely pointing it out as a reality to be dealt with in this forum. There are a number of improvements that can be made, and therefore, I would like to make the following comments and recommendations to the committee by calling upon my own personal experience as reference.

1. I strongly believe that a basic premise must be decided in your hearing--and that it when the President or Vice President of the United States is involved, security considerations <u>for cause</u> should overrule political and personal ones. In other words, when the Secret Service raises a bona fide security

security objection, then political, personal, and protocol arguments should be overruled.

I have personally seen many, many incidents during which the Secret Service strongly objected to a movement or situation involving a president or vice president and stated that the agents could in no way provide adequate security under the circumstances, and yet they were overruled. The objection usually came from a staff person invoking "camera angle", or "press exposure", or "public impact". Most of those instances did not become incidents or tragedies due to a combination of both the ingenuity and resolve of the Secret Service, and luck.

I believe that authority to overrule for cause should be given to the Secret Service by statute. If the Secret Service had had that authority in the past, John Kennedy might still be with us today.

2. Most assassinations and attempted assassinations in this country are not committed by organized groups of individuals or terrorists, but by the one individual who is mentally or emotionally unstable. Psychiatrists and psychologists have often suggested that 10% or more of the population in this country has some form of mental or emotional problem. With the stress of modern day society increasing constantly as we rocket into the twenty-first century, restrictions on those individuals unable to cope with the stress have been relaxed.

Sworn police officers, in most states, have the ability upon their determination and signature, to commit for mental observation a person whom they believe to be a danger to themselves or to others. The men and women who protect the President of the United States do not have that authority. In order to commit someone for observation, they must rely on the authority of a local officer or authorized medical person who may, or may not, have the same appreciation for the seriousness of the problem.

I believe that the men and women of the Secret Service should be given federal authority to commit for observation anyone who, due to mental or emotional instability, is a serious threat or danger to the President or Vice President of the United States. This authority whould specify a time limit, (in most states it is 72 hours) but should also have an option of continued commitment for observation (with the concurrence of a qualified physician) for special circumstances or situations affecting the security of a Secret Service protectee.

3. Most of us agree that the President should limit his exposure to crowds. However, we must also face the fact that there are some events and situations which necessitate public exposure. Presuming that it will occur on occasion, this committee should consider ways in which these situations can be handled better. I have two suggestions:

First, if these situations or events are known and predicted, the President or Vice President should be urged to wear a bullet-resistant garment. Though somewhat warm and uncomfortable, these garments improve almost daily in terms of comfort and protection, and I believe that the discomfort certainly outweighs the potential alternative. The injuries, for instance, to both President Reagan and Pope John Paul II would have been greatly minimized if they had been wearing such garments.

Second, a "buffer zone" should be established in public situations. I recommend a fifty foot diameter around the President for this zone, and that Secret Service Agents and Uniformed Division Officers should be given the authority to effect searches of persons and articles within that area.

To make this authority more palatable in those situations where members of the public are expected, the area can be roped and posted. All persons and articles entering the "buffer zone" would be subjected to electronic and physical search, and anyone not willing to submit to that inspection would remain outside the designated area.

4. Liaison between the Federal Agencies--specifically, the F.B.I. and Secret Service--needs to be improved. As the system now works, the F.B.I. (as an intelligence gatherer) screens and submits intelligence data which they believe relevant to Secret Service responsibility (i.e., Presidential protection) to the Secret Service (which only uses intelligence and does not gather it).

The problem with the system is two-fold. First, the information is almost always delayed in transmittal to the Secret Service due to bureaucratic channeling. According to the perceived urgency of the information, that delay may be from minutes to weeks--but in terms of Presidential security, minutes might make the difference.

Second, the F.B.I. agents who interpret, screen, and disseminate the information are not fully cognizant of where the Secret Service protectee will be. Therefore, the F.B.I. may not realize the relevance of a possible terrorist bomb placement in one area of a city because they wouldn't know that the President's motorcade route passes directly by that location.

My proposed solution on the liaison problem is that a Secret Service agent be assigned on a full-time basis to the local F.B.I. office, where he or she could read and interpret submitted intelligence information on subversive or terrorist groups and individuals. This would alleviate both problems cited, in that he or she would immediately transmit pertinent intelligence information throughout the Secret Service network (eliminating inter-agency delay). Being totally cognizant (by design) of protectee movements and visits within the area of responsibility, the agent would then be better able to interpret the relevance of information affecting a protection decision.

5. My last recommendation, I believe, has merit but is probably more controversial and certainly more expensive than the others cited.

The crux of the matter is that protection and law enforcement are two entirely different sciences. I was a police officer in Oakland, Calif. before becoming an agent, and again, I speak from experience.

The Secret Service has a highly trained and professional group of men and women: Uniformed Division. Though they are not agents, they receive much the same training as agents and have similar exposure and experience in their capacity as protectors of the White House, Vice President's residence and foreign missions in Washington, D.C.

When the President visits any city the Secret Service relies heavily on the local authorities--municipal police, sheriff's departments, state police agencies. These agencies play an extremely important role in overall security. However, they are not trained protection personnel. Though well meaning, they do not have specialized training and experience.

My recommendation is to use the Secret Service Uniformed Division personnel in the immediate areas around the President--the same fifty foot "buffer zone" would perhaps be appropriate. These officers are better prepared to spot a potential problem and to respond correctly to a problem if it occurs than local law enforcement officers.

Implementing this recommendation would entail a good deal of expense in terms of logistics, and it would also be controversial, since most cities believe that the capability of their police officers is second to none in handling any responsibility including Presidential protection. There is no need to eliminate local support; Uniformed Division personnel would simply prevail as the second perimeter of security beyond the Secret Service Agents themselves.

Respectfully submitted,

Charles F. Vance
Chairman
MVM International Security, Inc.

CFV/pkh

Chairman ROTH. The committee is in recess, subject to the call of the Chair.

[Whereupon, at 12 noon the hearing was adjourned, subject to the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

[S. 1417, 97th Congress, 1st session]

A BILL To establish a Presidential Protection Commission to advise the President and the Congress on reducing the risk of assassination at public appearances and otherwise to increase efforts to prevent criminal assaults against the President and to recommend amendments to title 18 of the United States Code and other provisions of Federal law relating to safeguarding the President

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is established the Presidential Protection Commission (hereinafter referred to as the "Commission").

MEMBERSHIP OF COMMISSION

SEC. 2. (a) The Commission shall be composed of—

(1) the two former Presidents of the United States, one of each party, of most recent service, who shall serve as cochairmen;

(2) the majority leader of the United States Senate;

(3) the designee of the Speaker of the United States House of Representatives;

(4) the chairman of the Committee on the Judiciary of the United States House of Representatives;

(5) the designee of the chairman of the Committee on the Judiciary of the United States Senate; and

(6) the Secretary of the Treasury.

(b) Three members of the Commission shall constitute a quorum for the transaction of its business, but the Commission may provide for the taking of testimony and the receipt of evidence at meetings at which there is present one member.

DUTIES OF THE COMMISSION

SEC. 3. (a) It shall be the duty of the Commission—

(1) to recommend policies and standards to reduce the risk of and increase efforts for the prevention of criminal assults against the President and other Secret Service protectees during public appearances and otherwise, including whether and to what extent—

(A) the schedule of the President's appearances outside of the White House and the routes he will follow should be publicly disclosed in advance;

(B) unidentified persons should be allowed access to the President or to areas which the President is to traverse;

(C) additional measures should be employed to assure that persons in proximity to the President are not armed;

(D) the President should ride in open vehicles;

(E) the President should mingle with the general public at airports, parades, ceremonies, celebrations, or other events, particularly in public or outdoor places;

(F) the President should wear protective equipment, such as a bulletproof vest; and

(G) public access to the White House, the Capitol, and other places frequented by the President, should be restricted when he is present;

(2) to review the criminal laws and other laws relating to the safety of the President and to recommend changes that would help protect the President from being criminally assaulted, including whether and to what extent—

(A) section 1752 of title 18, United States Code, should be changed to clarify or enlarge the Federal Bureau of Investigation and Secret Service powers relating to the detention, questioning, frisk, search, and arrest of persons in proximity to the President, who may pose a danger;

(B) unlawful possession of a concealed weapon within a security zone established under section 1752 of title 18, United States Code, should be a Federal crime;

(C) criteria and procedures by which protective information is provided to the Secret Service by the Federal Bureau of Investigation and by other agencies, can be improved and what changes in current law would facilitate detection and apprehension of international terrorists and others who may pose a threat to the President's safety;

(D) the Federal Bureau of Investigation and other agencies should be authorized and directed to investigate persons or groups on the basis of a substantiated request of the Secret Service; and

(E) the Federal Bureau of Investigation and the United States Secret Service should be given administrative subpena power to secure necessary records or information relating to persons who pose a threat to the President, including medical or psychiatric files.

(b) The Commission may make recommendations to improve the personal safety of candidates or other Secret Service protectees.

REPORTS OF COMMISSION AND TERMINATION

SEC. 4. (a) The Commission shall expeditiously review the matters identified in section 3 and shall issue an interim report within one hundred and twenty days after the date of enactment of this Act. The report shall be made simultaneously to the President of the United States and to the Congress. The report shall be exempt from the Freedom of Information Act, but may be made public in whole or in part in the discretion of the Commission.

(b) The Commission shall issue a final report within one year after the date of enactment of this Act. The report shall be as provided in subsection (a).

(c) The Commission shall cease to exist ninety days after submitting its final report.

STAFF OF COMMISSION

SEC. 5. (a) The members of the Commission shall serve without pay or other compensation, except that (1) while away from their homes or regular places of business in the performance of their duties for the Commission, they shall be allowed travel expenses, including a per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code, and (2) they may be reimbursed by the Commission for other necessary expenses incurred by them in the performance of their duties for the Commission.

(b) The Commission is authorized to appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions without regard to the civil service laws, rules, and regulations. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission, and such detail shall be without interruption or loss of civil service status or privilege.

(c) The Commission may procure the temporary and intermittent services of experts and consultants to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule.

POWERS OF COMMISSION

SEC. 6. (a) The Commission may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes and materials as the Commission may find advisable.

(b) The Commission may secure directly from any official or instrumentality of the executive branch of the Federal Government such information, documents, materials, or assistance as the Commission deems necessary to carry out its functions under this Act.

(c)(1) Subpenas shall be issued under the signature of either of the cochairmen or any member of the Commission designated by them and shall be served by any person or class of persons designated by the chairmen. Any member of the Commission may administer oaths or affirmation to witnesses appearing before the Commission.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances to witnesses summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

RECORDS OF COMMISSION

SEC. 7. (a) Except as otherwise provided by the Commission by majority vote, meetings and proceedings of the Commission shall be private and the contents thereof shall not be publicly disclosed by the Commission.

(b) The records and files of the Commission shall in their entirety be exempt from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552), and the Privacy Act of 1974 (5 U.S.C. 552a), or any other statute and shall not be discover-

able in connection with court proceedings or otherwise subject to compulsory process except upon a showing of compelling need, after a hearing in camera, and after the records have been altered to protect the sources, methods, techniques, and tactics utilized by the United States Secret Service or any other agency for the protection of the President.

[From the Wilmington Morning News, Aug. 23, 1981]

Ex-Agent Criticizes Presidential Safety

(By W. Dale Nelson)

Washington.—Secret Sevice agents trying to protect the president frequently are overruled by the White House staff for publicity reasons, according to the former agent who married Gerald Ford's daughter.

"I have personally seen many, many incidents during which the Secret Service strongly objected to a movement or situation involving a president or vice president and stated that the agents could in no way provide adequate security under the circumstances, and yet they were overruled," Charles M. Vance said Tuesday.

He said the decision usually came from some White House staff member who said it was needed to secure "press exposure," "public impact" or a good camera angle.

"I strongly believe that . . . when the Secret Service raises a bona fide security objection, then political, personal and protocol arguments should be overruled," Vance told the Senate Governmental Affairs Committee.

Vance was a Secret Service agent from 1965 until 1979. He was assigned to the White House detail under former President Ford and later married Ford's daughter, Susan. He now heads a private security firm in Washington.

Sen. William V. Roth Jr., R-Del., chairman of the committee, said the shooting of President Reagan and three other men including "my good friend Jim Brady demonstrated once again the vulnerability of a president when he is out in public." Brady, the president's press secretary, formerly served Roth in the same capacity.

Nevertheless, Roth said he had "problems" with Vance's suggestions. "I think there is a question how far we can go in a democracy lest we shut off the president from the people," he said.

The committee was considering a bill by Sen. Arlen Specter, R-Pa., to establish a Presidential Protection Commission, which Specter said could come up with guidelines to deal with problems like those brought up by Vance.

"The president's safety should not be the subject of compromise between political aides and Secret Service agents," Specter said.

On a related topic, H. Stuart Knight, the chief Secret Service agent, told the committee it would be "most practical" to eliminate round-the-clock protection for former presidents after they have been out of office several years.

Knight declined to say in a public session how many agents are assigned to this duty, but he said the cost amounts to more than half the total spent under the Presidential Protection Act.

Knight said that instead of creating a commission, the Secret Service thinks it would be better to enact laws providing "zones of protection" around the president and limiting the amount of information available under the Freedom of Information Act.

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